

Ordinance No: 15-09
Zoning Text Amendment No: 03-08
Concerning: Eliminate certain written transcripts requirement
Draft No. & Date: 2 – 7/8/03
Introduced: May 13, 2003
Public Hearing: June 17, 2003; 1:30 PM
Adopted: July 8, 2003
Effective: July 28, 2003

**COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND
SITTING AS THE DISTRICT COUNCIL FOR THAT PORTION OF
THE MARYLAND-WASHINGTON REGIONAL DISTRICT WITHIN
MONTGOMERY COUNTY, MARYLAND**

By: District Council at the request of the Planning Board

AN AMENDMENT to the Montgomery County Zoning Ordinance for the purpose of:

- eliminating the requirement for a public hearing transcript for optional method of development project plans in the CBD and RMX Zones; and
- eliminating the requirement for a public hearing transcript for combined urban renewal project plans in the CBD zones.

By amending the following section of the Montgomery County Zoning Ordinance, Chapter 59 of the Montgomery County Code:

DIVISION 59-D-2	“PROJECT PLAN FOR OPTIONAL METHOD OF DEVELOPMENT, CBD ZONES AND RMX ZONES”
Section 59-D-2.3	“Same-Procedure”
DIVISION 59-D-5	“COMBINED URBAN RENEWAL PROJECT PLAN”
Section 59-D-5.3	“Same Procedure”

EXPLANATION: ***Boldface** indicates a heading or a defined term.*

Underlining indicates text that is added to existing laws by the original text amendment.

[Single boldface brackets] indicate text that is deleted from existing law by the original text amendment.

***Double underlining** indicates text that is added to the text amendment by amendment.*

[[Double boldface brackets]] indicate text that is deleted from the text amendment by amendment.

** * * indicates existing law unaffected by the text amendment.*

OPINION

Zoning Text Amendment (ZTA) No. 03-08 was introduced on May 13, 2003 for the purpose of eliminating the requirement for a public hearing transcript for optional method of development project plans in the CBD and RMX Zones; and eliminating the requirement for a public hearing transcript for combined urban renewal project plans in the CBD zones

The Montgomery County Planning Board in its report to the Council recommended that the text amendment be approved.

The County Council held a public hearing on June 17, 2003, to receive testimony concerning the proposed text amendment. The text amendment was referred to the Planning, Housing, and Economic Development Committee for review and recommendation.

The Planning, Housing, and Economic Development Committee held a worksession on June 30, 2003 to review ZTA 03-08. The Committee recommended to the District Council that ZTA 03-08 be approved as introduced. The Committee agreed that the requirement that project plan public hearings be transcribed is unnecessary in view of the Planning Board's capability to audio-record its' public hearings. A written transcript can be made on an as needed basis.

The District Council reviewed Zoning Text Amendment No. 03-08 at a worksession held on July 8, 2003, and agreed with the recommendations of the Planning, Housing, and Economic Development Committee.

For these reasons and because to approve this amendment will assist in the coordinated, comprehensive, adjusted and systematic development of the Maryland-Washington Regional District located in Montgomery County, Zoning Text Amendment No. 03-08 will be approved as introduced.

ORDINANCE

The County Council for Montgomery County, Maryland, sitting as the District Council for that portion of the Maryland-Washington Regional District in Montgomery County, Maryland, approves the following ordinance:

Sec. 1. Division 59-D-2 is amended as follows:

DIVISION 59-D-2. PROJECT PLAN FOR OPTIONAL METHOD OF DEVELOPMENT, CBD ZONES AND RMX ZONES.

* * *

59-D-2.3. Same–Procedure.

Not later than 15 days prior to the date set for public hearing, the technical staff of the [p] Planning [b] Board [[shall]] must submit to the board its analysis of the application including its findings, comments or recommendations with respect to the matters enumerated in section 59-D-2.4 and any other matters which, in the opinion of the technical staff, would assist the board in reaching its decision on the application. This technical staff report [[shall]] must be submitted in evidence at the public hearing. The public hearing [[shall]] must be conducted by the planning board or its designee under such rules as the planning board shall, from time to time, establish by resolution and publish. [A transcript shall be taken of the public hearing and a complete record of all evidence and testimony shall be made. The record of the public hearing shall be transcribed into printed form, and the application shall be made a part of the record.]

* * *

Sec. 2. Division 59-D-5 is amended as follows:

DIVISION 59-D-5. COMBINED URBAN RENEWAL PROJECT PLAN.

* * *

59-D-5.3. Same–Procedure.

Not later than 15 days before the public hearing, the technical staff of the Planning Board must submit to the Board its analysis of the application including its findings, comments or recommendations with respect to the matters listed in Section 59-D-5.4 and any other matters which would assist the Board in the application. The technical staff report must be submitted in evidence at the public

hearing. The Planning Board or its designee must conduct the public hearing under rules the Planning Board may establish by resolution and publish. [A transcript must be taken of the public hearing and a complete record of all evidence and testimony must be made. The record of the public hearing must be transcribed into printed form, and the application must be made a part of the record.]

* * *

Sec. 3. Effective date. This ordinance becomes effective 20 days after the date of Council adoption.

This is a correct copy of Council action.

Mary A. Edgar, CMC
Clerk of the Council